

News from the New Hampshire Department of Environmental Services



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New Durham First Community in New Hampshire to Pass Ordinance Based on Land Conservation Plan

New Durham - The town of New Durham has incorporated a new conservation overlay district into its zoning ordinance that identifies lands having exceptional significance for the protection of natural resources and water quality based on the findings of *The Land Conservation Plan for New Hampshire's Coastal Watersheds*. The goal of New Durham's ordinance is to guide development away from the highest-quality wildlife habitat, streams, wetlands, and forests.

The Land Conservation Plan for New Hampshire's Coastal Watersheds, released in 2006, was developed through a partnership, including the New Hampshire Coastal Program at NHDES, New Hampshire Estuaries Project, The Nature Conservancy, Society for the Protection of New Hampshire Forests, Rockingham Planning Commission, and Strafford Regional Planning Commission. The plan identifies 75 conservation focus areas. These conservation focus areas were identified through a systematic, state-of-the-art analysis of a wealth of natural resources data. Collectively, these areas comprise approximately 190,300 acres, or 36 percent of the watershed, of which about 40,000 acres is protected.

"The ordinance is not highly restrictive, yet it is effective. While not every acre of the conservation focus areas are preserved, the ordinance does provide flexibility in the design process to allow development in less sensitive areas and preservation of critical resources and habitats," said Julie LaBranche of the Strafford Regional Planning Commission, whose work, partially funded by the Coastal Program at the Department of Environmental Services and N.H. Estuaries Project, supported the New Durham Planning Board.

While conceptualizing the ordinance, planning board members hesitated to single out any one resource as being a priority. The answer: the holistic approach for conserving exceptional resources recommended by *The Land Conservation Plan for New Hampshire's Coastal Watersheds*.

Developed through a partnership of organizations, the Plan's goal is to advance the long-term protection of our coastal watershed's irreplaceable natural, cultural, recreational and scenic resources. The plan prioritizes the most valuable resource areas, called conservation focus areas, where outstanding wildlife habitat, wetlands, clean water, productive forests, and recreational opportunities coexist. The plan also includes a model ordinance, which can be used by communities to adopt the recommendations of the plan. To date, New Durham is the first town to use the plan to inform such an ordinance.

Before the conservation overlay district was incorporated into the ordinance, the town had one general zoning district that permitted a minimum lot size of 60,000 square feet (1.4 acres) or greater as required by the soil based lot sizing standards. The new conservation overlay district permits development at a density of one dwelling unit per five acres (with lot sizing as required in the underlying district) and mandatory clustering of development away from the most valuable resources to avoid fragmentation of the conservation focus areas.

“Our town is natural resource rich and this plan really helped us focus because it showed the areas in town where our treasures overlap,” said Bob Craycraft, New Durham Planning Board chair.

The planning board voted unanimously to recommend the conservation district area ordinance to town warrant, which was passed at town meeting in March by a 2:1 vote.

Work on preserving natural resources in New Durham built on momentum and interest generated during the master plan process, which began in 2003, when community members voiced their concerns about maintaining high water quality, wildlife habitat and the rural quality of their town. The new ordinance helps put the master plan into action. The town of New Durham also passed a steep slope ordinance in March, complementing the conservation district area ordinance. A riparian buffer ordinance was passed in 2007.

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